



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,207	02/02/2004	Hermis Ortega	230235	6055
7590	03/13/2006			
Sanchelima and Associates, P. A. Jesus Sanchelima, Esq. 235 S.W. Le Jeune Rd. Miami, FL 33134			EXAMINER PAYER, HWEI SIU CHOU	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/768,207	ORTEGA, HERMIS	
	Examiner	Art Unit	
	Hwei-Siu C. Payer	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 3-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892) _____
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

Detailed Action

The amendment filed on 12-23-2005 has been entered. Upon further consideration, the allowable subject matter of claims 3 and 4 as indicated in the last Office action has been withdrawn. Any inconvenience to the Applicant is regretted.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1 and 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - (1) In claim 1, the preamble is misleading. The portable grooming machine does not include a kit for using removable head means. The portable grooming machine is to be used with a kit that includes a plurality of removable head means for different functions. It is suggested the preamble of the claim be changed to –A portable grooming machine kit comprising--. Also, the preamble of claims 3-10 should be amended accordingly.
 - (2) In claim 1, lines 5 and 6, “said first head means” has no antecedent basis.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 5,261,161) in view of Blackwell (U.S. Patent No. 2,183,442), Shaw et al. (U.S. Patent No. 3,369,294) and Kraus (U.S. Patent No. 3,272,209).

Lee shows a portable grooming machine (Fig.23) substantially as claimed except head means (62,63,66,67) is not removably secured to the machine housing, the machine lacks a removable power cord assembly, and the guard (64) is not mounted on the housing by the claimed track-and-rail arrangement.

Blackwell teaches removably securing head means (26,28,29) of a grooming machine to a machine housing (see page 1, lines 49-52 and page 2, lines 62-65), and Shaw et al. show a portable grooming machine comprising a housing (11) and a power cord assembly (75, see Fig.11) removably connected to the housing (see column 5, lines 32-36).

It would have been obvious to one skilled in the art to removably secure Lee's head means to the housing so that the head means can be removed as needed for cleaning as taught by Blackwell, and to further provide the portable grooming machine

with a removable power cord assembly to facilitate connecting the grooming machine to an electric outlet for conveying electrical energy to the machine as taught by Shaw et al.

Kraus shows a guard (70) to be mounted on a grooming machine (see Fig.5).

The housing (92) of the machine comprises first and second faces having a plurality tracks (94) for receiving rails (76,78) extending from the guard (70).

It would have been obvious to one skilled in the art to further modify Lee by mounting the guard (64) to the housing by a track-and-rail arrangement to facilitate slidable adjustment of the guard relative to the housing as taught by Kraus.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 5,261,161), Blackwell (U.S. Patent No. 2,183,442), Shaw et al. (U.S. Patent No. 3,369,294) and Kraus (U.S. Patent No. 3,272,209) as applied to claim 1 above, and further in view of Bickfore (U.S. Patent No. 6,378,210).

Lee's portable grooming machine as modified above shows all the claimed structure except it has only one movable head means.

Bickfore teaches it is desirable to provide a portable grooming machine with a plurality of movable head means (see Fig.1).

It would have been obvious to one skilled in the art at the time this invention was made to further modify Lee by providing the grooming machine with a plurality of removable head means having different grooming functions to facilitate particular needs of a user as taught by Bickfore.

Indication of Allowable Subject Matter

Claims 5-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Remarks

By combining the limitation of original claim 2 into claim 1 as amended does not make claim 1 allowable since original claim 2 was rejected as set forth in the previous Office action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

Application/Control Number: 10/768,207
Art Unit: 3724

Page 6

H Payer
February 23, 2006

Hai-Siu Payer

Hai-Siu Payer
Primary Examiner